

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

KENNETH VAXTER

VS.

CIVIL ACTION NO. 3:09CV76 – DAS

MICHAEL J. ASTRUE,  
Commissioner of Social Security

**ORDER**

This matter is before the court following oral argument held on August 30, 2010.

Following oral argument, the court found the ALJ erred and further found the claimant disabled.

The court stated it would enter a judgment remanding the case for the Administration to calculate benefits. The court hereby withdraws that order to reconsider one matter specifically addressed at the hearing.

One of the main issues raised by the claimant concerned 20 C.F.R. Part 404, Subpart P, App. 1, § 12.05C, or Listing 12.05C. After reviewing the matter, the court finds that additional briefing is needed for the court to address the matter more completely. Specifically, the court orders the parties to address the issue in conjunction with the Fifth Circuit's decision in *Randall v. Astrue*, 570 F.3d 651 (5<sup>th</sup> Cir. 2009). The claimant shall file his brief no later than September 20, 2010, and the Administration shall file its response no later than September 27, 2010.

SO ORDERED, this the 2<sup>nd</sup> day of September, 2010.

/s/ David A. Sanders  
UNITED STATES MAGISTRATE JUDGE